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6 IN THE UNITED STATES DISTRICT COURT  
7 FOR THE DISTRICT OF ARIZONA

8 Michael A. Leon,

No. CV-13-00673--CKJ

9 Plaintiff,

**ORDER**

10 v.

11 Meggitt PLC, et al.,

12 Defendant.  
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14 On June 26, 2013, Plaintiff filed a *pro se* Complaint against Meggitt PLC alleging  
15 negligent and intentional infliction of emotional distress, libel, slander, and invasion of  
16 privacy false light in the District of Columbia. (Doc. 1). Additionally, Plaintiff filed a  
17 Motion for Leave to Proceed *In Forma Pauperis*, (Doc. 2) and a Motion for Permission  
18 to E-File. (Doc. 3).

19 On July 19, 2013, Plaintiff's case was transferred to the District of Arizona. (Doc.  
20 5). Pursuant to the transfer order, the case was transferred because the alleged  
21 wrongdoing occurred in Arizona and Plaintiff had filed an identical complaint in the  
22 District of Arizona. (Doc. 4). After the case was transferred, Plaintiff filed another  
23 Motion for Permission to E-File, (Doc. 8) and a Motion to Issue Summons to Effect  
24 Service of Process. (Doc. 9).

25 Before commencing this case, Plaintiff filed a prior case, *Leon v. Meggitt PLC*,  
26 No. 4:13-cv-0287-TUC-JGZ, which is also pending in the District of Arizona.

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28 *I. Screening of Complaint*

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3 This Court is required to dismiss a case if the Court determines that the allegation  
4 of poverty is untrue, 28 U.S.C. § 1915(e)(2)(A), or if the Court determines that the action  
5 "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or  
6 (iii) seeks monetary relief against a defendant who is immune from such relief." 28  
7 U.S.C. § 1915(e)(2)(B).

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9 *II. A Duplicative Action Must Be Dismissed*

10 An *in forma pauperis* complaint that merely repeats pending or previously  
11 litigated claims may be considered abusive and dismissed under 28 U.S.C. § 1915(e).  
12 *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); *see also McWilliams v.*  
13 *State of Colorado*, 121 F.3d 573, 574 (11th Cir. 1997) (repetitious action may be  
14 dismissed as frivolous or malicious); *Aziz v. Burrows*, 976 F.2d 1158 (9th Cir. 1992)  
15 ("district courts may dismiss a duplicative complaint raising issues directly related to  
16 issues in another pending action brought by the same party"); *Bailey v. Johnson*, 846 F.2d  
17 1019, 1021 (5th Cir. 1988) (repetitious litigation of virtually identical causes of action is  
18 subject to dismissal as malicious).

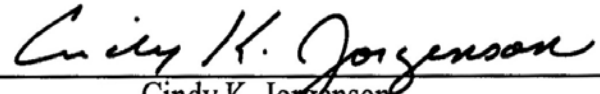
19 Accordingly, IT IS ORDERED:

20 1. Plaintiff's *pro se* Complaint and this action are dismissed as duplicative of  
21 4:13-cv-0287-TUC-JGZ. (Doc. 1).

22 2. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis*, (Doc. 2),  
23 Plaintiff's two Motions for Permission to E-File, (Docs. 3, 8), and Plaintiff's Motion to  
24 Issue Summons to Effect Service of Process, (Doc. 9) are denied as moot.

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2 3. The Clerk of Court must enter judgment accordingly and close its file in  
3 this matter.

4 Dated this 2nd day of August, 2013.

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8 Cindy K. Jorgenson  
9 United States District Judge  
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